

REMARKS

The Examiner has also rejected Claims 30, 31, 34-36, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer (“Ramsauer”) in view of U.S. Patent No. 1,538,320 to Gullong (“Gullong”) and U.S. Patent No. 3,583,736 to Willimzik (“Willimzik”).

Claim 30 stands currently amended to clarify that the first and second inclined surfaces of the holding elements are **smooth** inclined surfaces. This amendment is supported by Fig. 3A (see smooth inclined surfaces of holding elements 136-1, 136-2) and Fig. 12A (see smooth inclined surfaces of holding elements 736).

Claims 1-29, 37, and 39 stand previously canceled. Claims 32, 33, 38, 40, 41, 43-52, and 55-58 stand previously withdrawn. Claims 30-36, 38, and 40-58 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner’s outstanding rejections to current Claims 30, 31, 34-36, 53, and 54. An early Notice of Allowance is therefore requested.

I. THE CURRENT OFFICE ACTION IS DEFICIENT AND MUST BE REISSUED

As an initial matter, Examiner has failed to address dependent Claim 42 at al. As such, the current Office Action is **deficient** for failing to indicate whether each examined claim is allowed, rejected, or objected to..

Accordingly, Applicant respectfully asserts that the current Office Action is deficient for failing to actually address all of the claims currently under examination. Therefore, Applicant respectfully asserts that Examiner **must** issue a **new non-final** Office Action which addresses Claim 42 as well as all of the arguments below.

II. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be

present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

III. REJECTION OF CLAIMS 30, 31, 34-36, 53, AND 54 UNDER 35 U.S.C.

§ 103(A) BASED ON RAMSAUER IN VIEW OF GULLONG AND WILLIMZIK

On page 2 of the current Office Action, the Examiner rejects Claims 30, 31, 34-36, 53, and 54 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Ramsauer in view of Gullong and Willimzik. These rejections are respectfully traversed and believed overcome in view of the following discussion.

A. Claims 30, 31, 34-36, 53, and 54

(1) Prior Arguments

Amended, independent Claim 30 states, in part:

“said holding part being formed by **holding elements** which project in a resilient manner from the body part in the direction of its outer surface and whose free end has (1) a **first smooth inclined surface** which, when assembled, contacts the rim or edge of the opening so as to support the body part on the rim or edge of the opening without play, and (2) a **second smooth inclined surface** which enables the holding part and the body part to be pushed through the opening, the two inclined surfaces being inclined with respect to a plane of the thin wall....” (emphasis added).

As such, Claim 30 requires that the first and second inclined surfaces of the holding elements are **smooth** inclined surfaces. In this way, the **smooth** inclined surfaces provide for pure friction between the inclined surfaces and the rim of the opening of the thin wall. See Current Application, ¶ [00100].

Examiner admits that Ramsauer fails to teach or suggest the first and second inclined surfaces of the holding elements of Claim 30. Rather, Examiner points to Gullong for this teaching. However, Gullong does **not** teach or suggest first and second **smooth** inclined surfaces. Rather, Gullong **explicitly** teaches that the surface of the cam members 7

(which Examiner asserts disclose the holding elements of Claim 30) contacts the rim or edge of the aperture 2 is **serrated**, so as to provide for film force between the teeth provided by the serrated portion 8 and the (sharp) edge of the radiator shell 1. Gullong, Col. 2, Ln. 94 – Col. 3, Ln. 4. In other words, Gullong teaches that the surface which contacts the rim or edge of the aperture 2 is formed at a **right angle**, such that part of the serrated portion 8 is flush with the plane of the radiator shell 1 and another part of the serrated portion 8 is at a right angle so as to be flush with the inner surface of radiator shell 1 which forms the aperture 2 itself. See Gullong, Figs. 3 and 4, and Col. 3, Lns. 10-27.

As such, the force provided between the cam members 7 and the rim or edge of the aperture 2 is a **pure direct pressure** force (such as the force applied by a hand pushing a door open) and is **not a frictional force** such as that applied by the configuration of the Claim 30. As a result, the teachings of Gullong lead to delayed and stepwise adapting to remove any play. This is a disadvantage when compared to the invention of Claim 30, which has holding members that adapt continuously (as opposed to the periodic, stepwise adaptation of the cam members 7), allowing for very fine adaptation to any play developing between the smooth, non-serrated, inclined surfaces of the holding elements and the rim of the break through in the thin wall.

Further, Applicant notes that the cam members 7 of Gullong are **not** slides as in Claim 30, but are rather levers which pivot around a hook-shaped portion 10. Gullong, Col. 3, Lns. 5-9; Figs. 3 and 4.

In addition, Willimzik fails to address the above deficiencies of Ramsauer and Gullong. More specifically, Willimzik does **not** have a comparable **inclined** surface. Rather, Willimzik teaches that the **surfaces** of the latch-bolts 10, 11 which contact the respective **surfaces 14, 15** of the two abutment lugs 16, 17 so as to support the latch-bolts 10, 11 are **parallel** to each other. Thus, Willimzik teaches configuring latch-bolts to apply **direct pressure force**, similarly to the configuration of Gullong.

As such, **none** of the cited references, either alone or in combination, teach or suggest the first and second smooth inclined surfaces of the holding elements of Claim 30.

Accordingly, for all of the reasons discussed above, Applicant respectfully asserts that Examiner has failed to establish a *prima facie* case of obviousness of

independent Claim 30, and corresponding Claims 31, 34-36, 53, and 54 because they are each ultimately dependent from Claim 30. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 30, 31, 34-36, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 1,538,320 to Gullong and U.S. Patent No. 3,583,736 to Willimzik.

IV. UNADDRESSED CLAIM 42

Claim 42 depends from independent Claim 30. As Claim 30 is allowable, so must be Claim 42. Accordingly, Applicant respectfully asserts that Claim 42 is in allowable form. Therefore, Applicant respectfully requests that Examiner allow Claim 42.

V. WITHDRAWN CLAIMS 32, 33, 38, 40, 41, 43-52, AND 55-58

Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are each ultimately dependent from independent Claim 30. As Claim 30 is allowable, so must be Claims 32, 33, 38, 40, 41, 43-52, and 55-58. Accordingly, Applicant respectfully asserts that Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are now in allowable form. Therefore, Applicant respectfully requests Examiner rejoin and allow currently withdrawn Claims 32, 33, 38, 40, 41, 43-52, and 55-58.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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